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# HOUSE BILL No. 1280

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-22-7.5; IC 13-14-11.5.

**Synopsis:** Disclosure of studies supporting agency rules. Requires a study, a report, or an analysis that is used as the basis for a proposed rule and any supporting data for the proposed rule to be made available for public inspection and copying.

**Effective:** July 1, 2003.

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January 13, 2003, read first time and referred to Committee on Appointments and Claims.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## HOUSE BILL No. 1280

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 4-22-7.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2003]:  
4 **Chapter 7.5. Public Access to Data Used in Proposed Rules**  
5 **Sec. 1. This chapter applies to a rule adopted under IC 4-22-2.**  
6 **Sec. 2. As used in this chapter, "data" means written**  
7 **information or material, including statistics or measurements used**  
8 **as the basis for reasoning, calculations, or conclusions in a study,**  
9 **a report, or an analysis.**  
10 **Sec. 3. IC 5-14-3 applies to the disclosure of information under**  
11 **this chapter.**  
12 **Sec. 4. (a) Except as provided in subsection (b), an agency shall**  
13 **make available for inspection and copying any:**  
14 **(1) scientific or statistical study, report, or analysis, including**  
15 **any study, report, or analysis:**  
16 **(A) prepared by a person or entity under a contract with**  
17 **the agency; or**



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- 1 (B) funded in whole or in part through a grant from the  
 2 agency;  
 3 that is used as the basis of a proposed rule; and  
 4 (2) supporting data for the proposed rule.

5 (b) Except as provided in subsection (c), the agency shall make  
 6 the study, report, or analysis available for inspection and copying  
 7 not more than thirty (30) days after the date of the request.

8 (c) The agency shall make available for inspection only a study,  
 9 a report, or an analysis that is subject to copyright restrictions.

10 Sec. 5. After June 30, 2003, an agency that contracts with a  
 11 person or entity for the performance of a study or awards a grant  
 12 for the performance of a study shall require as a condition or term  
 13 of the contract or grant that the person or entity shall provide to  
 14 the agency for public disclosure:

- 15 (1) the study;  
 16 (2) the data supporting the study; and  
 17 (3) the identity of the principal person or persons who  
 18 performed the study.

19 Sec. 6. An agency shall give the name, agency address, and  
 20 telephone number of an agency representative:

- 21 (1) who is knowledgeable about a proposed rule;  
 22 (2) from whom:  
 23 (A) the complete text of the rule;  
 24 (B) any scientific or statistical study, report, and analysis  
 25 that served as the basis for the rule; and  
 26 (C) any flexibility analysis;  
 27 may be obtained;  
 28 (3) from whom information about a public hearing on the  
 29 proposed rule may be obtained; and  
 30 (4) to whom:  
 31 (A) written data;  
 32 (B) comments; and  
 33 (C) arguments;  
 34 may be submitted.

35 SECTION 2. IC 13-14-11.5 IS ADDED TO THE INDIANA CODE  
 36 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2003]:

38 **Chapter 11.5. Public Access to Data Used in Proposed Rules**

39 **Sec. 1.** This chapter applies to rules adopted under this title.

40 **Sec. 2.** As used in this chapter, "data" means written  
 41 information or material, including statistics or measurements used  
 42 as the basis for reasoning, calculations, or conclusions in a study,

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report, or analysis.

**Sec. 3.** IC 5-14-3 and IC 13-14-11 apply to the disclosure of information under this chapter.

**Sec. 4.** (a) Except as provided in subsection (b), an agency shall make available for inspection and copying any:

(1) scientific or statistical study, report, or analysis, including any study, report, or analysis:

(A) prepared by a person or entity pursuant to a contract with the agency; or

(B) funded in whole or in part through a grant from the agency;

that is used as the basis of a proposed rule; and

(2) supporting data for the proposed rule.

(b) Except as provided in subsection (c), the agency shall make the study, report, or analysis available for inspection and copying not more than thirty (30) days after the date of the request.

(c) The agency shall make available for inspection only a study, report, or analysis that is subject to copyright restrictions.

**Sec. 5.** After June 30, 2003, an agency that contracts with a person or entity for the performance of a study or that awards a grant for the performance of a study shall require as a condition or term of the contract or grant that the person or entity shall provide to the agency for public disclosure:

(1) the study;

(2) the data supporting the study; and

(3) the identity of the principal person or persons who performed the study.

**Sec. 6.** An agency shall give the name, agency address, and telephone number of an agency representative:

(1) who is knowledgeable about a proposed rule;

(2) from whom:

(A) the complete text of the rule;

(B) any scientific or statistical study, report, and analysis that served as the basis for the rule; and

(C) any flexibility analysis;

may be obtained;

(3) from whom information about a public hearing on the proposed rule may be obtained; and

(4) to whom:

(A) written data;

(B) comments; and

(C) arguments;

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may be submitted.

**Sec. 7. An agency shall prepare a statement on a proposed rule that sets forth the following information:**

(1) The purpose of, necessity for, and benefits derived from the proposed rule.

(2) A citation for the proposed rule.

(3) A summary of not more than five hundred (500) words of each scientific or statistical study, report, or analysis that served as the basis for the proposed rule, including the following information:

(A) An explanation of how the study, report, or analysis was used to determine the necessity for and benefits derived from the proposed rule.

(B) The name of the person who produced the study, report, or analysis.

**Sec. 8. This chapter does not authorize the disclosure of information that is declared to be confidential or privileged by state or federal statute.**

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